

THE UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLIE FLOYD

Plaintiff,

vs.

Case No. 07-12725

HONORABLE DAVID M. LAWSON
HONORABLE STEVEN D. PEPE

SHARON FURNO and AMANDA HUNTER.

Defendants.
_____ /

Amended

Order Denying Plaintiff's Motion for Appointment of Counsel (Dkt. #7)

On August 17, 2007, Plaintiff filed his Motion To Appoint Counsel. All pretrial matters were referred to the undersigned on August 2, 2007, pursuant to 28 U.S.C. § 636 (b)(1)(A).

For the reasons indicated below, Plaintiff's motion *is **DENIED**.

Under 28 U.S.C. § 1915(e)(1), a federal court may request counsel to represent an indigent plaintiff. 28 U.S.C. § 1915(e)(1); *Renner v. Sewell*, 975 F.2d 258, 261 (6th Cir. 1992). Yet, appointment of counsel for an indigent party is a privilege justified only under exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993). To determine whether exceptional circumstances necessitating the appointment of counsel are present, courts consider the type of case involved, the ability of the plaintiff to represent himself, the complexity of the factual and legal issues, and whether the plaintiff's claims are frivolous or have an extremely small likelihood of success. *Id.*; *Renner*, 975 F.2d at 261; *Mars v. Hanberry*, 752 F.2d 254, 256 (6th Cir. 1985).

Plaintiff's Complaint focuses on numerous claims, many of which were dismissed by Judge David M. Lawson (Dkt. # 4). The remaining claims raise issues of malicious prosecution by Defendants. The factual issues raised by Plaintiff are clear and straightforward. Plaintiff has demonstrated in his Complaint that he understands the legal issues and can present these issues to a Court in a satisfactory manner. Also, it must be noted that there is a grave scarcity of attorneys available to represent indigent persons in this Court. This Court has no funds to secure attorneys for indigent parties in civil cases, and has great difficulty finding attorneys willing to volunteer time to serve in *pro bono* cases without payment. Their services must be carefully rationed to the most appropriate cases.

Accordingly, Plaintiff's motion for appointment of counsel is DENIED.

SO ORDERED.

Date: August 31, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

*CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: not applicable, and I hereby certify that I have mailed United States Postal Service the paper to the following non-ECF participants: Charlie Floyd #603580, Standish Maximum Correctional Facility, 4713 W. M-61, Standish, MI 48658

s/ James P. Peltier
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